

Executive Summary – Enforcement Matter – Case No. 50679
E. I. du Pont de Nemours and Company
RN100225085
Docket No. 2015-0879-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Unauthorized emissions which are excessive emissions events.

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

E. I. du Pont de Nemours La Porte Plant, 12501 Strang Road near La Porte, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The media has expressed interest in this matter.

Texas Register Publication Date: September 18, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$25,000

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$12,500

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$12,500

Name of SEP: Railroad Commission of Texas (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: \$25,000

Applicable Penalty Policy: April 2014

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RN100225085
Docket No. 2015-0879-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 10, 2014 through January 28, 2015

Date(s) of NOE(s): June 3, 2015

Violation Information

Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review Permit No. 1834, Special Conditions No. 1, and Federal Operating Permit No. O1906, Special Terms and Conditions No. 7].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days, submit a corrective action plan (“CAP”) in accordance with the TCEQ letter dated June 1, 2015 to address the excessive emissions event that occurred on November 15, 2014 (Incident No. 206465);
 - b. Within 45 days, submit written certification demonstrating compliance with a.;
 - c. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP submitted in connection with the November 15, 2014 excessive emissions event within 15 days after the date of such requests, or by any other deadline specified in writing;
 - d. Upon Commission approval, implement the CAP in accordance with the approved schedule; and
 - e. Within 15 days upon completion of the CAP implementation, submit written certification to demonstrate compliance with d.

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Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Rachel Bekowies, Enforcement Division,
Enforcement Team 4, MC 149, (512) 239-2608; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565
Respondent: James A. O'Connor, Plant Manager, E. I. du Pont de Nemours and
Company, P.O. Box 347, La Porte, Texas 77572
Respondent's Attorney: N/A

Attachment A
Docket Number: 2015-0879-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	E. I. du Pont de Nemours and Company
Penalty Amount:	Twenty-Five Thousand Dollars (\$25,000)
SEP Offset Amount:	Twelve Thousand Five Hundred Dollars (\$12,500)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Railroad Commission of Texas
Project Name:	<i>Alternative Fuels Clean School Bus Replacement Program</i>
Location of SEP:	Statewide, Preference for Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Railroad Commission of Texas** for the *Alternative Fuels Clean School Bus Replacement Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the contribution will be used to reduce nitrogen oxides, volatile organic compounds, carbon monoxide, and particulate matter emissions by replacing older diesel buses with newer buses that meet more stringent emission standards.

The Third-Party Administrator shall use the SEP Offset Amount for up to 100% of the purchase price of a propane or natural gas powered school bus that is model year 2010 or newer to public school districts and public charter schools to replace a diesel school bus that is model year 2002 or older. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

E. I. du Pont de Nemours and Company
Agreed Order - Attachment A

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions which contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. In addition, by encouraging less school bus idling, this SEP contributes to public awareness of environmental matters.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Railroad Commission of Texas SEP** and shall mail the contribution with a copy of the Agreed Order to:

Alternative Energy Division
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent, must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	8-Jun-2015	Screening	16-Jun-2015	EPA Due	
	PCW	16-Jun-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	E. I. du Pont de Nemours and Company				
Reg. Ent. Ref. No.	RN100225085				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	50679	No. of Violations	1
Docket No.	2015-0879-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rachel Bekowies
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$25,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **100.0%** Enhancement **Subtotals 2, 3, & 7** \$25,000

Notes: Enhancement for four NOV's with same/similar violations, two NOV's with dissimilar violations, six orders containing a denial of liability, and two orders without a denial of liability. Reduction for one Notice of Intent to conduct an audit and one Disclosure of Violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4** \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$0

Economic Benefit **0.0%** Enhancement* **Subtotal 6** \$0

Total EB Amounts \$1,001
Estimated Cost of Compliance \$10,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$50,000

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$50,000

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$25,000

DEFERRAL **0.0%** Reduction **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY \$25,000

Screening Date 16-Jun-2015

Docket No. 2015-0879-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 4 (April 2014)

Case ID No. 50679

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100225085

Media [Statute] Air

Enf. Coordinator Rachel Bekowies

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 191%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with same/similar violations, two NOVs with dissimilar violations, six orders containing a denial of liability, and two orders without a denial of liability. Reduction for one Notice of Intent to conduct an audit and one Disclosure of Violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 191%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 16-Jun-2015

Docket No. 2015-0879-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 4 (April 2014)

Case ID No. 50679

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100225085

Media [Statute] Air

Enf. Coordinator Rachel Bekowles

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review Permit No. 1834, Special Conditions No. 1, and Federal Operating Permit No. O1906, Special Terms and Conditions No. 7

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 23,649 pounds of methyl mercaptan from the Lannate Production Unit during an emissions event (Incident No. 206465) that occurred on November 15, 2014 and lasted five hours and 46 minutes. The event occurred when methyl mercaptan was inadvertently released to the atmosphere through the condensate drain valves for the vent line to the Nitrogen Oxide Reducing Scrubber Vapor Incinerator. This event was determined to be an excessive emissions event.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	x
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$25,000

One daily event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$25,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,001

Violation Final Penalty Total \$50,000

This violation Final Assessed Penalty (adjusted for limits) \$25,000

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 50679
Reg. Ent. Reference No. RN100225085
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	15-Nov-2014	15-Nov-2016	2.00	\$1,001	n/a	\$1,001

Notes for DELAYED costs

Estimated cost for implementing a corrective action plan. The Date Required is the date the emissions event occurred. The Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,001



Compliance History Report

PUBLISHED Compliance History Report for CN600128284, RN100225085, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator:	CN600128284, E. I. du Pont de Nemours and Company	Classification: SATISFACTORY	Rating: 4.91
Regulated Entity:	RN100225085, E I DU PONT DE NEMOURS LA PORTE PLANT	Classification: SATISFACTORY	Rating: 4.18
Complexity Points:	50	Repeat Violator: NO	
CH Group:	05 - Chemical Manufacturing		
Location:	12501 STRANG ROAD NEAR LA PORTE, TEXAS 77571-8704, HARRIS COUNTY		
TCEQ Region:	REGION 12 - HOUSTON		

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0218K

AIR OPERATING PERMITS PERMIT 1846

AIR OPERATING PERMITS PERMIT 1906

AIR OPERATING PERMITS PERMIT 1911

AIR OPERATING PERMITS PERMIT 1891

AIR NEW SOURCE PERMITS REGISTRATION 93294

AIR NEW SOURCE PERMITS REGISTRATION 12705

AIR NEW SOURCE PERMITS REGISTRATION 23740

AIR NEW SOURCE PERMITS REGISTRATION 25009

AIR NEW SOURCE PERMITS REGISTRATION 25400

AIR NEW SOURCE PERMITS REGISTRATION 26222

AIR NEW SOURCE PERMITS REGISTRATION 26340

AIR NEW SOURCE PERMITS REGISTRATION 24984

AIR NEW SOURCE PERMITS REGISTRATION 30182

AIR NEW SOURCE PERMITS REGISTRATION 32351

AIR NEW SOURCE PERMITS REGISTRATION 34178

AIR NEW SOURCE PERMITS REGISTRATION 36110

AIR NEW SOURCE PERMITS REGISTRATION 37427

AIR NEW SOURCE PERMITS REGISTRATION 37750

AIR NEW SOURCE PERMITS REGISTRATION 41316

AIR NEW SOURCE PERMITS REGISTRATION 41786

AIR NEW SOURCE PERMITS REGISTRATION 44807

AIR NEW SOURCE PERMITS REGISTRATION 44934

AIR NEW SOURCE PERMITS REGISTRATION 46795

AIR NEW SOURCE PERMITS REGISTRATION 47657

AIR NEW SOURCE PERMITS REGISTRATION 48336

AIR NEW SOURCE PERMITS PERMIT 1834

AIR NEW SOURCE PERMITS PERMIT 2295B

AIR NEW SOURCE PERMITS PERMIT 2751

AIR NEW SOURCE PERMITS PERMIT 6502

AIR NEW SOURCE PERMITS PERMIT 7941

AIR NEW SOURCE PERMITS REGISTRATION 51352

AIR NEW SOURCE PERMITS REGISTRATION 93151

AIR NEW SOURCE PERMITS REGISTRATION 55092

AIR NEW SOURCE PERMITS REGISTRATION 54748

AIR NEW SOURCE PERMITS REGISTRATION 53691

AIR NEW SOURCE PERMITS REGISTRATION 53933

AIR NEW SOURCE PERMITS REGISTRATION 55100

AIR NEW SOURCE PERMITS REGISTRATION 75781

AIR NEW SOURCE PERMITS REGISTRATION 55942

AIR NEW SOURCE PERMITS REGISTRATION 70090

AIR OPERATING PERMITS PERMIT 1845

AIR OPERATING PERMITS PERMIT 1905

AIR OPERATING PERMITS PERMIT 1907

AIR OPERATING PERMITS PERMIT 1990

AIR NEW SOURCE PERMITS AFS NUM 4820100011

AIR NEW SOURCE PERMITS REGISTRATION 71932

AIR NEW SOURCE PERMITS REGISTRATION 12725

AIR NEW SOURCE PERMITS REGISTRATION 23688

AIR NEW SOURCE PERMITS REGISTRATION 25657

AIR NEW SOURCE PERMITS REGISTRATION 27385

AIR NEW SOURCE PERMITS REGISTRATION 26496

AIR NEW SOURCE PERMITS REGISTRATION 28383

AIR NEW SOURCE PERMITS REGISTRATION 26592

AIR NEW SOURCE PERMITS REGISTRATION 30428

AIR NEW SOURCE PERMITS REGISTRATION 34030

AIR NEW SOURCE PERMITS REGISTRATION 35510

AIR NEW SOURCE PERMITS REGISTRATION 36341

AIR NEW SOURCE PERMITS REGISTRATION 37277

AIR NEW SOURCE PERMITS REGISTRATION 39520

AIR NEW SOURCE PERMITS REGISTRATION 41436

AIR NEW SOURCE PERMITS REGISTRATION 44102

AIR NEW SOURCE PERMITS REGISTRATION 44835

AIR NEW SOURCE PERMITS REGISTRATION 46250

AIR NEW SOURCE PERMITS REGISTRATION 47006

AIR NEW SOURCE PERMITS REGISTRATION 48201

AIR NEW SOURCE PERMITS REGISTRATION 50145

AIR NEW SOURCE PERMITS PERMIT 2295A

AIR NEW SOURCE PERMITS PERMIT 2446A

AIR NEW SOURCE PERMITS PERMIT 3406

AIR NEW SOURCE PERMITS PERMIT 7820

AIR NEW SOURCE PERMITS PERMIT 7986

AIR NEW SOURCE PERMITS REGISTRATION 52051

AIR NEW SOURCE PERMITS REGISTRATION 84460

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0218K

AIR NEW SOURCE PERMITS REGISTRATION 55472

AIR NEW SOURCE PERMITS REGISTRATION 53898

AIR NEW SOURCE PERMITS REGISTRATION 54142

AIR NEW SOURCE PERMITS REGISTRATION 75780

AIR NEW SOURCE PERMITS REGISTRATION 75939

AIR NEW SOURCE PERMITS REGISTRATION 75522

AIR NEW SOURCE PERMITS REGISTRATION 70680

AIR NEW SOURCE PERMITS REGISTRATION 71521
AIR NEW SOURCE PERMITS REGISTRATION 71589
AIR NEW SOURCE PERMITS REGISTRATION 71079
AIR NEW SOURCE PERMITS REGISTRATION 54434
AIR NEW SOURCE PERMITS REGISTRATION 54656
AIR NEW SOURCE PERMITS REGISTRATION 73137
AIR NEW SOURCE PERMITS REGISTRATION 55864
AIR NEW SOURCE PERMITS REGISTRATION 74547
AIR NEW SOURCE PERMITS REGISTRATION 74781
AIR NEW SOURCE PERMITS REGISTRATION 77101
AIR NEW SOURCE PERMITS REGISTRATION 79153
AIR NEW SOURCE PERMITS REGISTRATION 79912
AIR NEW SOURCE PERMITS REGISTRATION 80234
AIR NEW SOURCE PERMITS REGISTRATION 81545
AIR NEW SOURCE PERMITS REGISTRATION 81466
AIR NEW SOURCE PERMITS REGISTRATION 82048
AIR NEW SOURCE PERMITS REGISTRATION 82394
AIR NEW SOURCE PERMITS REGISTRATION 83743
AIR NEW SOURCE PERMITS REGISTRATION 90542
AIR NEW SOURCE PERMITS REGISTRATION 85923
AIR NEW SOURCE PERMITS REGISTRATION 88256
AIR NEW SOURCE PERMITS REGISTRATION 91667
AIR NEW SOURCE PERMITS REGISTRATION 94357
AIR NEW SOURCE PERMITS REGISTRATION 111049
AIR NEW SOURCE PERMITS REGISTRATION 111054
AIR NEW SOURCE PERMITS REGISTRATION 120918
AIR NEW SOURCE PERMITS REGISTRATION 111053
AIR NEW SOURCE PERMITS REGISTRATION 111051
AIR NEW SOURCE PERMITS REGISTRATION 104917
AIR NEW SOURCE PERMITS REGISTRATION 122607
AIR NEW SOURCE PERMITS REGISTRATION 120445
AIR NEW SOURCE PERMITS REGISTRATION 117546
WASTEWATER EPA ID TX0007293

PETROLEUM STORAGE TANK REGISTRATION

REGISTRATION 35066

STORMWATER PERMIT TXR05P548

AIR EMISSIONS INVENTORY ACCOUNT NUMBER

HG0218K

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

REGISTRATION # (SWR) 30046

POLLUTION PREVENTION PLANNING ID NUMBER

P00192

Compliance History Period: September 01, 2009 to August 31, 2014

Rating Year: 2014

Rating Date: 09/01/2014

Date Compliance History Report Prepared: June 09, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 09, 2010 to June 09, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Rachel Bekowies

Phone: (512) 239-2608

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |
| 3) If YES for #2, who is the current owner/operator? | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)? | N/A |

AIR NEW SOURCE PERMITS REGISTRATION 71555
AIR NEW SOURCE PERMITS REGISTRATION 71637
AIR NEW SOURCE PERMITS REGISTRATION 70683
AIR NEW SOURCE PERMITS REGISTRATION 55709
AIR NEW SOURCE PERMITS REGISTRATION 72501
AIR NEW SOURCE PERMITS REGISTRATION 55614
AIR NEW SOURCE PERMITS REGISTRATION 74445
AIR NEW SOURCE PERMITS REGISTRATION 73850
AIR NEW SOURCE PERMITS REGISTRATION 77245
AIR NEW SOURCE PERMITS REGISTRATION 79091
AIR NEW SOURCE PERMITS REGISTRATION 79624
AIR NEW SOURCE PERMITS REGISTRATION 79682
AIR NEW SOURCE PERMITS REGISTRATION 79824
AIR NEW SOURCE PERMITS REGISTRATION 81161
AIR NEW SOURCE PERMITS REGISTRATION 81328
AIR NEW SOURCE PERMITS REGISTRATION 83253
AIR NEW SOURCE PERMITS REGISTRATION 82353
AIR NEW SOURCE PERMITS REGISTRATION 83045
AIR NEW SOURCE PERMITS REGISTRATION 81488
AIR NEW SOURCE PERMITS REGISTRATION 81487
AIR NEW SOURCE PERMITS REGISTRATION 92250
AIR NEW SOURCE PERMITS REGISTRATION 93752
AIR NEW SOURCE PERMITS REGISTRATION 98906
AIR NEW SOURCE PERMITS REGISTRATION 104938
AIR NEW SOURCE PERMITS REGISTRATION 106293
AIR NEW SOURCE PERMITS REGISTRATION 107071
AIR NEW SOURCE PERMITS REGISTRATION 123132
AIR NEW SOURCE PERMITS REGISTRATION 124137
AIR NEW SOURCE PERMITS REGISTRATION 111046
AIR NEW SOURCE PERMITS REGISTRATION 109185
AIR NEW SOURCE PERMITS REGISTRATION 104939

WASTEWATER PERMIT WQ0000474000

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1011171

WATER LICENSING LICENSE 1011171

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION

(SWR) 30046

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXD008079212

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50213

5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 09/26/2010 ADMINORDER 2010-0313-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions during Incident No. 130915. Specifically, 355 pounds ("lbs") of carbon dioxide and 3,700 lbs of methylene chloride, a hazardous air pollutant, were released from a relief valve (Emissions Point No. LN-21F) in the Lannate/API Unit during an emissions event that began on October 14, 2009 and lasted 7 hours and 6 minutes. The unauthorized release was the result of a failed pressure transmitter which caused the vent system to overpressurize,
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)
Description: Failed to timely report Incident No. 130915 within 24 hours after discovery. Specifically, the event was discovered on October 14, 2009, at 11:00 p.m. However, the initial notification was not submitted until October 19, 2009, at 4:31 p.m.
- 2 Effective Date: 12/19/2011 ADMINORDER 2011-0757-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms & Conditions OP
Description: Failure to submit the semi-annual deviation report dated November 17, 2010 within 30 days after the end of the reporting period. (CATEGORY B3 violation)
- 3 Effective Date: 08/05/2012 ADMINORDER 2012-0093-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Conditions 1 PERMIT
Description: Failed to prevent unauthorized emissions during an emissions event (Incident No. 160293) which occurred on October 7, 2011, and lasted approximately two hours in the Vinyls A-Plant Unit. Specifically, 1,900 pounds of ethylene were released when the one-half inch transmitter tubing on the ethylene supply header broke. Since the emissions event could have been avoided by better operational practices, the demonstration criteria for an affirmative defense could not be met.
- 4 Effective Date: 10/27/2012 ADMINORDER 2012-0598-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 18 PERMIT
ST&C 5 OP
Description: Failed to maintain the liquid flow rate to the Hydrogen Fluoride ("HF") Scrubber above 87 gallons per minute ("gpm") on April 11, 2011 for six minutes, on May 15, 2011 for 12 minutes, and on September 1, 2011 for 43 minutes.
- 5 Effective Date: 11/11/2012 ADMINORDER 2012-0050-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limits PERMIT
Description: Failure to comply with permitted effluent limitations for Outfalls 101 and 201, as documented during record reviews conducted on December 9, 2011, and April 4, 2012
- 6 Effective Date: 08/15/2014 ADMINORDER 2013-2104-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

7 Effective Date: 04/27/2015 ADMINORDER 2014-0835-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT

ST&C 7 OP

Description: Emissions from the Lanate Vapor Incinerator (EPN LN-01) exceeded the emission limits in Permit 1834 for oxides of nitrogen (NOx), and particulate matter (PM). A8(c)(1)(H)

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(1)(C)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 5E PERMIT

Special Terms and Conditions 1A and 17 OP

Description: Failure to maintain the flow meter for flare VS-202C within the required accuracy [Category A12.i.6 violation]

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, Du Pont failed to prevent a safety interlock activation which resulted in the unauthorized emissions from the vent valve (EPN: VS-400). (Category A(12)(i)(6))

Failure to comply with the sitewide Highly Reactive Volatile Organic Compound (HRVOC) emissions cap of 1,200 pounds during any one-hour block period. (Category B13)

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	June 30, 2010	(828551)
Item 2	July 14, 2010	(828955)
Item 3	July 23, 2010	(825858)
Item 4	August 17, 2010	(866873)
Item 5	August 18, 2010	(794203)
Item 6	September 02, 2010	(843397)
Item 7	September 22, 2010	(873944)
Item 8	October 26, 2010	(865837)
Item 9	December 14, 2010	(873625)
Item 10	December 16, 2010	(873720)
Item 11	December 21, 2010	(882751)
Item 12	January 05, 2011	(896286)
Item 13	March 30, 2011	(899782)
Item 14	April 12, 2011	(907101)
Item 15	April 15, 2011	(899799)
Item 16	April 26, 2011	(878117)
Item 17	May 20, 2011	(901539)
Item 18	July 18, 2011	(893104)
Item 19	July 20, 2011	(922870)
Item 20	July 22, 2011	(952663)
Item 21	August 19, 2011	(948943)
Item 22	October 13, 2011	(957690)

Item 23	January 17, 2012	(976436)
Item 24	March 01, 2012	(988309)
Item 25	March 22, 2012	(1003533)
Item 26	April 20, 2012	(996918)
Item 27	April 23, 2012	(1010099)
Item 28	May 08, 2012	(1001157)
Item 29	May 17, 2012	(1016489)
Item 30	June 22, 2012	(1024212)
Item 31	July 05, 2012	(1015498)
Item 32	July 06, 2012	(1015477)
Item 33	August 23, 2012	(1016323)
Item 34	September 24, 2012	(1046716)
Item 35	October 16, 2012	(1031121)
Item 36	October 22, 2012	(1061011)
Item 37	November 20, 2012	(1061012)
Item 38	November 30, 2012	(1042397)
Item 39	December 05, 2012	(1050240)
Item 40	December 12, 2012	(1051180)
Item 41	December 27, 2012	(1061013)
Item 42	January 22, 2013	(1079048)
Item 43	February 21, 2013	(1050729)
Item 44	February 22, 2013	(1059018)
Item 45	March 22, 2013	(1089348)
Item 46	May 22, 2013	(1106666)
Item 47	August 21, 2013	(1114247)
Item 48	August 22, 2013	(1093917)
Item 49	August 23, 2013	(1124981)
Item 50	September 24, 2013	(1129580)
Item 51	October 03, 2013	(1121243)
Item 52	November 26, 2013	(1140710)
Item 53	December 20, 2013	(1147169)
Item 54	January 22, 2014	(1153238)
Item 55	January 27, 2014	(1134582)
Item 56	March 20, 2014	(1167218)
Item 57	March 31, 2014	(1151327)
Item 58	April 04, 2014	(1152536)
Item 59	April 23, 2014	(1174351)
Item 60	May 27, 2014	(1180539)
Item 61	June 23, 2014	(1187437)
Item 62	July 21, 2014	(1198623)
Item 63	August 15, 2014	(1190681)
Item 64	August 26, 2014	(1198624)
Item 65	September 24, 2014	(1205842)
Item 66	October 23, 2014	(1212254)
Item 67	December 16, 2014	(1211933)
Item 68	December 29, 2014	(1224285)
Item 69	February 23, 2015	(1211171)
Item 70	February 27, 2015	(1242323)
Item 71	March 25, 2015	(1248652)
Item 72	March 27, 2015	(1240392)
Item 73	April 13, 2015	(1229929)
Item 74	May 08, 2015	(1251883)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	06/13/2014 (1152619)	CN600128284
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)	

5C THSC Chapter 382 382.085(b)

Special Condition 6 PERMIT
Special Term and Condition 17 OP

Description: Failure to maintain the flow rate of liquid to an absorber (EPN VS-206) above 17 gallons per minute [Category C4 violation]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Special Condition 7E PERMIT
Special Terms & Conditions 1A and 17 OP

Description: Failure to properly plug or cap an open-ended line [Category C10 violation]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12D(2) PERMIT
Special Term and Condition 17 OP

Description: Failure to sample VOC concentration during maintenance events [Category C1 violation]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 13B(3) PERMIT
Special Term and Condition 17 OP

Description: Failure to sample at required intervals prior to opening equipment for maintenance activities [Category C1 violation]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12 PERMIT
Special Term and Condition 17 OP

Description: Failure to properly purge or wash equipment prior to equipment opening for maintenance [Category B18 violation]

2 Date: 08/25/2014 (1156563) CN600128284

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 7B PERMIT
Special Term & Condition 7 OP

Description: Failure to maintain six minute average oxygen concentration of Methomyl Incinerator (EPN Unit LN-02C) (Category B13)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(1)
5C THSC Chapter 382 382.085(b)
Special Term and Conditions1(A) OP

Description: Failure to maintain flow rate for API Scrubber (EPN: SF-01C) and API Venturi Scrubber (EPN: SF-02C) (Category C4)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.144(5)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.136(e)(1)(i)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to meet monitoring requirements of permit. Weekly inspection records for TC Waste Tank (EPN: EC30-T) and Raninwater Tank (EC-31T) seals were not maintained. (Category C1)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure include all deviations in the reporting period for which the deviation occurred, the probable cause of the deviation and any corrective action or

preventative measures taken for emission units addressed in the permit. Water seal weekly inspection records failed to appear on the previous deviation report in

the period in which checks should have occurred for water seals on TC Waste Tank and Rainwater Tank (EPNs: Unit EC-30-T; EC-31T). (Category C1)

Self Report? YES Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 8B PERMIT
 Special Term & Condition 7 OP
 Description: Failure to maintain minimum 6 minute average of 1600° Fahrenheit limit established during the performance test for NRS Vapor Incinerator (EPN: LN-50 C)(Category C4)

3 Date: 10/31/2014 (1218506) CN600128284
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

4 Date: 12/31/2014 (1230872) CN600128284
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

5 Date: 03/03/2015 (1211138) CN600128284
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01846, ST&C 5 OP

Description: Failure to conduct quarterly visible emission observations on the HF Reactor Chute Heater Stack (Emission Point Number (EPN) HF-05). Category B1

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 FOP O-01846, GT&C OP

Description: FAILURE TO REPORT ALL INSTANCES OF DEVIATIONS (Category C3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(c)(3)
 5C THSC Chapter 382 382.085(b)
 FOP O-01846, ST&C 1A OP

Description: Failure to maintain a complete record of the scrubber's (EPN HF-01) continuous parameter monitoring system calibration. (Category C3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01846, ST&C6 OP
 NSR 20800, SC 18 PERMIT

Description: Failure to maintain the minimum liquid flow rate to the Hydrogen Fluoride Scrubber. (Category B18)

6 Date: 05/01/2015 (1228782) CN600128284
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(d)
 40 CFR Part 63, Subpart A 63.11(b)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 4B PERMIT
 Special Condition No. 4D(2) PERMIT
 Special Condition No. 4E PERMIT
 Special Terms and Conditions No. 1E OP
 Special Terms and Conditions No. 6 OP

Description: Failure to continuously monitor and record operating parameters for Velpar Flare (VP-01A) and Flare B (NaOMe)(VP-01B).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)
Special Condition No. 4B PERMIT
Special Terms and Conditions No. 6 OP
Description: Failure to operate Velpar Flare (VP-01A) and Flare B (NaOMe)(VP-01B) with a flame present at all times.

F. Environmental audits:

Notice of Intent Date: 10/04/2010 (877022)

Disclosure Date: 01/07/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT Special Conditions 11.J and 12.K

Description: Failure to record all actual readings of LDAR components whether a leak is detected or not. Specifically, fourth quarter monitoring in Lannate/API was conducted and background instrument readings were recorded for 3,745 components in which no leaks were detected were being recorded, rather than using the actual reading.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT Special Condition 11.E

Description: Failure to updated the delay of repair (DOR) emission calculation spreadsheet within 10 days of adding new DOR components to the list due to personnel changes.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT Special Condition 11.E

Description: One open-ended valve was found in the Lannate/API Unit.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1367(c)

Description: Failure to properly maintain records. Specifically, weekly AVO inspection records for pumps and connectors were not available for a period of five years. Records were available for the most recent 18 months, but not prior due to shorter record retention period specified by corporate guidelines.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363

Description: Failure to include approximately 50 components that should have been included in the LDAR program for monitoring within the TCO Tank in the Environmental Control area.

Disclosure Date: 04/14/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT Special Conditions 11.J and 12.K

Description: Failure to record all actual readings of LDAR components whether a leak is detected or not. Specifically, fourth quarter monitoring in Lannate/API was conducted and background instrument readings were recorded for 3,745 components in which no leaks were detected were being recorded, rather than using the actual reading.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT Special Condition 11.E

Description: Failure to updated the delay of repair (DOR) emission calculation spreadsheet within 10 days of adding new DOR components to the list due to personnel changes.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT Special Condition 11.E

Description: One open-ended valve was found in the Lannate/API Unit.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1367(c)

Description: Failure to properly maintain records. Specifically, weekly AVO inspection records for pumps and connectors were not available for a period of five years. Records were available for the most recent 18 months, but not prior due to shorter record retention period specified by corporate guidelines.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363

Description: Failure to include approximately 50 components that should have been included in the LDAR program for monitoring within the TCO Tank in the Environmental Control area.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: **E.I. DU PONT DE NEMOURS & CO.**

Reg Entity Add: 12501 STRANG ROAD

Reg Entity City: LA PORTE

Reg Entity No: RN100225085

EPA Case No: **06-2014-1766**

Order Issue Date (yyyymmdd): 20140409

Case Result: Unilateral Administrative O

Statute: CWA

Sect of Statute: 301/402

Classification: Minor

Program: NPDES - Base Program ***Citation:***

Violation Type: Effluent Limit Violations, Not
Otherwise Specified

Cite Sect:

Cite Part:

Enforcement Action: Administrative Compliance Orders

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
E. I. DU PONT DE NEMOURS AND
COMPANY
RN100225085**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2015-0879-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding E. I. du Pont de Nemours and Company ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a chemical manufacturing plant at 12501 Strang Road near La Porte, Harris County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation conducted from December 10, 2014 through January 28, 2015, TCEQ staff documented that the Respondent released 23,649 pounds of methyl mercaptan from the Lannate Production Unit during an emissions event (Incident No. 206465) that occurred on November 15, 2014 and lasted five hours and 46 minutes. The event occurred when methyl mercaptan was inadvertently released to the atmosphere through the condensate drain valves for the vent line to the Nitrogen Oxide Reducing Scrubber Vapor Incinerator. TCEQ staff determined that this event was an excessive emissions event.
4. The Respondent received notice of the violations on June 3, 2015.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382, TEX. WATER CODE ch. 7, and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review Permit No. 1834, Special Conditions No. 1, and Federal Operating Permit No. O1906, Special Terms and Conditions No. 7.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Twenty-Five Thousand Dollars (\$25,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Twelve Thousand Five Hundred Dollars (\$12,500) of the administrative penalty and Twelve Thousand Five Hundred Dollars (\$12,500) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Twenty-Five Thousand Dollars (\$25,000) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: E. I. du Pont de Nemours and Company, Docket No. 2015-0879-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Twelve Thousand Five Hundred Dollars (\$12,500) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, submit a corrective action plan ("CAP") in accordance with the TCEQ letter dated June 1, 2015 to address the excessive emissions event that occurred on November 15, 2014 (Incident No. 206465);
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provision No. 3.a., as described in Ordering Provision No. 3.e. below;
 - c. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP submitted in connection with the November 15, 2014 excessive emissions event within 15 days after the date of such requests, or by any other deadline specified in writing;
 - d. Upon Commission approval, implement the CAP in accordance with the approved schedule; and
 - e. Within 15 days upon completion of the CAP implementation, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance

with Ordering Provision No. 3.d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director.

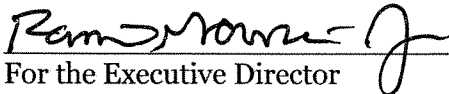
The determination of what constitutes good cause rests solely with the Executive Director.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
11. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

9/11/15
Date

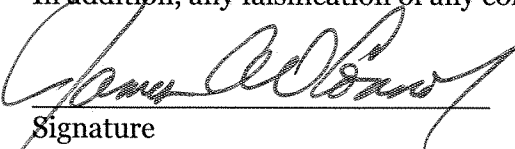
I, the undersigned, have read and understand the attached Agreed Order in the matter of E. I. du Pont de Nemours and Company. I am authorized to agree to the attached Agreed Order on behalf of E. I. du Pont de Nemours and Company, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, E. I. du Pont de Nemours and Company waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

6 August 2015
Date

JAMES A. O'CONNOR
Name (Printed or typed)
Authorized Representative of
E. I. du Pont de Nemours and Company

Plant Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2015-0879-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	E. I. du Pont de Nemours and Company
Penalty Amount:	Twenty-Five Thousand Dollars (\$25,000)
SEP Offset Amount:	Twelve Thousand Five Hundred Dollars (\$12,500)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Railroad Commission of Texas
Project Name:	<i>Alternative Fuels Clean School Bus Replacement Program</i>
Location of SEP:	Statewide, Preference for Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Railroad Commission of Texas** for the *Alternative Fuels Clean School Bus Replacement Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the contribution will be used to reduce nitrogen oxides, volatile organic compounds, carbon monoxide, and particulate matter emissions by replacing older diesel buses with newer buses that meet more stringent emission standards.

The Third-Party Administrator shall use the SEP Offset Amount for up to 100% of the purchase price of a propane or natural gas powered school bus that is model year 2010 or newer to public school districts and public charter schools to replace a diesel school bus that is model year 2002 or older. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

E. I. du Pont de Nemours and Company
Agreed Order - Attachment A

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions which contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. In addition, by encouraging less school bus idling, this SEP contributes to public awareness of environmental matters.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Railroad Commission of Texas SEP** and shall mail the contribution with a copy of the Agreed Order to:

Alternative Energy Division
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent, must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.